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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,200	03/13/2001	Stephen H. Pettigrew	PETIP001A	4219
28875	7590	01/22/2004	EXAMINER	
SILICON VALLEY INTELLECTUAL PROPERTY GROUP P.O. BOX 721120 SAN JOSE, CA 95172-1120			HUNTER, ALVIN A	
		ART UNIT	PAPER NUMBER	
		3711	DATE MAILED: 01/22/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/808,200	PETTIGREW ET AL. <i>JA</i>
	Examiner	Art Unit
	Alvin A. Hunter	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 12 November 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 21,23,24,30 and 32-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 21,23,24,30 and 32-35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21, 23, 24, 30, and 32-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556), Sellar (USPN 5662530), and Tolotti (USPN 3563548).

Knight et al. discloses a golf ball having spots or marks which will indicate to the eye of the player the point at which the club should strike the ball and indicate the direction in which the ball should fly (See Page 1, lines 31 through 41). In Figures 3, 4, and 5, golf ball are shown having a pair of bands flanking the equator line. These bands also inherently indicate any spin associated with the ball after being struck. Knight et al. does not disclose having a pair of band flanking the equator in parallel relation and a putting marking on the equator of the golf ball. Karasavas discloses a golf trainer in which places markings on a golf ball (See Abstract). In one particular embodiment, Karasavas discloses a golf ball having circular markings (27, 28, 29, 30) concentrically around the poles, in which circular markings 27 and 28 forms a line parallel to the equator of the golf ball as shown in Figure 5 (See Column 4, lines 23 through 26). It is noted that the circles indicated alignment and misalignment before

and after hitting the ball, which inherently associates spin (See Column 4, lines 55 through 62). Being that both Knight et al. and Karasavas both indicated the spin of the golf ball, one having ordinary skill in the art would have found having the bands flanking the equator in parallel relation to the equator as being a mere obvious design choice. Sellar discloses a golf ball having a plurality of colored lands along the great circles to ensure contact point between the putter and ball on a land (See Figures 1-3 and Column 3, lines 1 through 13). Any of the lands are also capable of being a marking to indicate lining the ball with the tee. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have any number of lands, or markings, on the great circles of the golf ball to align the putter and tee with the golf ball. Tolotti discloses a puck for being pitched to a batter wherein the puck has textual indicia thereon to indicate how the user should hold the puck (See Abstract, Figures 1, 5, 6, 6a, and Column 2, lines 16 through 25). One having ordinary skill in the art would have found it obvious to incorporate text on any type of device or object, as taught by Tolotti, in order to indicate instructions as how to address the projectile.

2. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. (USPN 676506) in view of Karasavas (USPN 5133556) and Sellar (USPN 5662530) and Tolotti (USPN 3563548) in further view of Goranson et al. (USPN 3420529)

Knight et al. in view of Karasavas (USPN 5133556), Sellar, and Tolotti does not disclose a golf ball having feet indicia for indicating how the user's feet should be situated when addressing the golf ball. Goranson et al. discloses a golf ball having feet marking which show the proper positions of a golfer's feet for various clubs (See Entire

Document). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have feet indicia on a golf ball, as taught by Goranson et al., in order teach the user the proper stance when addressing the golf ball.

***Response to Arguments***

Applicant's arguments with respect to claims 21, 23, 24, 30, and 32-35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (703) 308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

*AAH*  
ALVIN A. HUNTER, JR.

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